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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,590	11/02/2000	Michael Broesamle	PHD 99,151	2510

7590 02/27/2004
Gregory L. Thorne
c/o U S Philips Corporation
Intellectual Property Department
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/27/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,590

Applicant(s)

BROESAMLE, MICHAEL

Examiner

Nhon T Diep

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 6,7,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto (US 5,105,278).

Takemoto discloses an automatic focus adjusting apparatus using two dimensional frequency component of an image comprising the same film scanner with an automatic focusing device in which the film images are shown by line by line by means of an objective on at least one line sensor, wherein in that with a still film the adjusting range of the objective is passed through according to a predefined program, in that the then developing video signals are evaluated for their high frequency component and in that the objective is adjusted to the maximum of the high-frequency component (fig. 3, el. 5-6-7-1 and col. 4, ln. 3-25) as specified in claims 1 and 11; for measuring the high-frequency component, differences are formed between the amplitudes of the picture elements neighboring the video signals (col. 1, ln. 25-35) as specified in claim 4; the at least one of the video signals are written in a vertical format buffer (15) and transmitted from there to a digital signal processor (17) which is programmed for determining the maximums (fig. 2a and 2b) as specified in claim 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5, 8, 10, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto.

As applied to claim 1 above, it is noted that Takemoto does not particularly disclose that:

a. the film in an image gap between two images is scanned as specified in claims 2 and 12; the film (1) is scanned within an image and that during the evaluation of the video signals the image content is suppressed particularly by autocorrelation as specified in claims 3 and 13;

b. for measuring the high-frequency component, the video signals are subjected to a Fast Fourier Transform (FFT) as specified in claims 5 and 15;

c. for determining the maximums, the respective function is differentiated and a zero is determined as specified in claim 8;

d. in line with the predetermined program, lighting of the film is controlled so that the film is not lighted when the scanning does not need this operation as specified in claims 10 and 17.

Art Unit: 2613

With regard to a: Since, it would slow the scanning process by stop scanning and start scanning to avoid scanning an image gap between two images with contains no useful information and therefore, it would have been obvious that film scanners are designed to scan films continuously and eliminate unused portion of the result scanned information as a matter of designer's choice.

With regard to b: Fast Fourier transform is one of the fastest processing technique to process high frequency component and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Sato et al by using the best known fastest processing technique to process the high frequency component as a matter of designer's choice.

With regard to c: It is well known that calculus teaches the using of differentiating as a means to obtain critical values for a function and that from the critical values, a zero is determined to define a maximum and/or minimum of a function. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Sato et al by applying well known calculus fact in determining a maximum and/or minimum value to maximize the effectiveness of the system as disclosed.

With regard to d: It would have been obvious that film is not lighted when the scanning does not need this operation to save power.

Allowable Subject Matter

5. Claims 6-7 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Matsuda et al (US RE 33,185) discloses a camera with autofocus device.
- b. Kubo et al *US 5,452,005) discloses an automatic focusing device capable of removing noise components from focusing contrast information.
- c. Soloveychik et al (US 4,928,170) discloses automatic focus control for an image magnification system.
- d. Takasaki (US 6,320,607) discloses an electronic still camera.
- e. Hilbert (US 3,812,525) discloses a dynamic peaking system.
- f. Gindele (US 6,636,646) discloses a digital image processing method and for brightness adjustment of digital images.
- g. Tsai (US 6,043,476) discloses a film scanner with an adjustable light source.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648.

The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers

Application/Control Number: 09/704,590
Art Unit: 2613

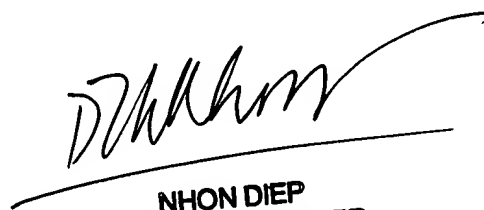
Page 6

for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND

February 23, 2004



NHON DIEP
PRIMARY EXAMINER